

LOCAL LEGISLATIVE PROCESS IN RUSSIA: PERSPECTIVES AND BARRIERS

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The legislative process is an important tool of direct democracy for creating checks and balances on public authority. Making local laws is an essential function of the local government that is linked to direct communication between public officials and citizens. This paper sets out to evaluate the opportunities, constraints and challenges in the practices of local direct democracy in Russian municipalities, and to describe the frameworks and capacities that municipal authorities provide for citizens. The paper analyzes the political and legal circumstances for law-making initiatives at the local level and examines citizens' activities in the local legislative process. The research question is whether citizens have the capacity and opportunity to participate in the local legislative process and to what extent barriers and challenges prevent them from doing so. To answer the research question the authors use methods of context analysis to study Russian legislation and municipal legal documents, a case study of several Russian municipalities and a survey with representatives of local communities in Tyumen, a Russian mid-sized city located in Western Siberia. The results of the study show a reluctance on the part of local residents to engage in the various aspects of direct democracy and a lack of the necessary skills, knowledge and willingness to participate in the initiative process. The results further show that the initiative process is frequently not well planned and lacks clear objectives, requirements and guidelines. The study concludes that seminars and professional training as well as roundtable workshops are effective ways to support local law-making initiatives. One promising step towards modernizing initiatives would be to organize them in e-forms. Many citizens demonstrate their ability to use electronic options that can expand the possibilities for their participation in the local legislative process.



Keywords: citizen participation; local government; local legislative process; citizens' initiative; capacity of citizen participation.

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Introduction

Citizen participation is widely acknowledged as an essential component of a healthy democracy.¹ Citizens can participate in political decision-making in two ways: directly or indirectly. Direct democracy is commonly referred to as a “pure” form of democracy.² It was first described by Sherry Arnstein in 1969. Arnstein called it “a ladder of citizen participation” that determines the level of participation. Manipulation and therapy are at the bottom of the ladder; informing, consultation and placating are in the middle; and partnerships, delegated power and citizen control are at the top.³

The idea behind direct democracy is to enable citizens to directly determine the nature of legislation, policies and public services and in this way to harmonize their lives. Today, societies show a great deal of interest in direct democracy processes, which are thought to improve decision-making, empower citizens and embolden them to hold politicians and public servants accountable.

Ank Michels³ in her participation theory categorizes the notion of citizen participation through the lens of consumerism, comparing a citizen with a consumer. Whereas a consumer makes a choice based on his or her own personal interests,

¹ Karen Bullock, *Citizen Participation and Democracy* in Karen Bullock, *Citizens, Community and Crime Control, Crime Prevention and Security Management* 25 (2014).

² Sherry R. Arnstein, *A Ladder of Citizen Participation*, 35(4) J. Am. Plan. Ass'n 216 (1969).

³ Ank Michels, *Citizen Participation in Local Policy Making: Design and Democracy*, 35(4) Int'l J. Pub. Adm. 285 (2012).



a citizen confidently shapes political views, productively participates in a public dialogue and makes demands of the state. The consumerism axis measures the degree to which a city succeeds in effectively providing public goods and services to its residents, who are referred to as consumers. The participation axis reflects the extent to which a city facilitates citizen participation in governance and encourages community-building.⁴ Thus, the essence of citizenship (implying both legal rights and responsibilities) is not only determined economically, but socially and politically.⁵ It is crucial therefore to change the overall public discourse from “customers” to “citizens.” In doing so, residents may be more eager to act as stakeholders who feel more vested in the political process and have a greater focus on the common good and the outcomes of their political designs; thereby being more likely to monitor the overall consequences of their political activities.⁶ Direct citizen participation is also a response to the drawbacks and challenges of traditional representative democracy. However, expanding direct interactions with citizens can pose certain risks and challenges. Many legal scholars express two primary concerns about this “democracy in action”: first, that it may oppress minorities and, second, that it may produce individualistic legislation rather than public-spirited deliberation.⁷ Studies on citizen participation and engagement in urban governance conducted abroad in countries such as the United States, Finland and Poland demonstrate that wider and more direct interactions between local officials and citizens are not always successful, and may even pose certain challenges. For example, local authorities can get inundated with encumbering and at times controversial information from citizens, such as

non-relevant comments, highly individualistic and unreasonable demands, lack of common sense duplicity of issues and unfeasible or utopian expectations. On the other hand, in the process of interaction, some groups of citizens are reluctant to participate or remain unheard.⁸

Currently, different countries perform with different levels of efficiency and provide different capacities for citizen participation in the process. At all levels of the participation ladder both the government and society can face certain challenges and barriers. Much debate persists as to how to achieve successful citizen participation.

⁴ Jennifer Shkabatur, *Cities @ Crossroads Digital Technology and Local Democracy in America*, 76(4) Brooklyn L. Rev. 1413 (2011).

⁵ John Clarke, *Beyond Citizen and Consumers? Publics and Public Service Reform*, 2(2) NISP. J. Pub. Adm. & Pol'y 33 (2009).

⁶ Katarzyna Radzik-Maruszak & Michaela Bátorová, *Citizen Participation and Engagement in Urban Governance: Perception of Finnish and Polish Local Officials*, 8(1) NISP. J. Pub. Adm. & Pol'y 85 (2015).

⁷ Alan Hirsch, *Direct Democracy and Civic Maturation*, 29(2) Hastings Const. L.Q. 185 (2002).

⁸ Radzik-Maruszak & Bátorová 2015, at 85–110.



Citizen participation is based on certain principles which include the separation of powers, a multi-party system of government and free elections, all aimed at supplementing the functions of the government. To that end, it has certain critical objectives: (1) provide opportunities and create conditions for citizens to be engaged in political life on a regular basis; (2) build a framework for citizens to advocate their legitimate interests and in this way to contribute to the development of a vibrant democratic society; (3) make public governance more transparent and closer to its constituencies; (4) improve public policy and encourage better implementation; and (5) facilitate civil society's role as a watchdog in promoting good governance.⁹

The participation of citizens in the decision-making process is more evident and visible at the local level.¹⁰ The local community is the place where the democratic process begins. Effective local democracy aims to provide each citizen with an opportunity to engage in active citizenship and to more readily see the results of their actions. Unfortunately, many local communities, especially in transitional countries, face issues such as fragmentary regulations, underdeveloped mechanisms of public participation and a lack of professional assistance, among others.¹¹

In general, the empirical evaluation of the legislative process with citizen participation remains a relatively unexplored research area.

The objective of this paper is, firstly, to evaluate the opportunities, constraints and challenges that exist in the practice of local direct democracy in Russian municipalities and, secondly, to describe the frameworks and capacities that municipal authorities provide for citizens. The main research question was: Do Russian citizens have the capacity and real opportunities to participate in the local legislative process and what are the barriers and challenges that prevent them from doing so? To answer this question the research used methods of context analysis to study Russian legislation and municipal legal documents, a case study of particular municipalities in Russia and a survey with representatives of local communities in the city of Tyumen (the capital city of the Russian region located in Western Siberia, with a population of approximately 800,000).

The research included methods of qualitative analysis of the legal regulation of citizens' initiatives and secondary data about initiatives published in Russia.

At the second stage, the survey was conducted in January to February of 2020. A questionnaire was distributed to 48 people aged 29 to 71 years who were considered

⁹ Dragan Golubović, *An Enabling Framework for Citizen Participation in Public Policy: An Outline of Some of the Major Issues Involved*, 12(4) Int'l J. Not-for-Profit L. 2 (2008).

¹⁰ Dragan Golubović, *Citizen Participation in Legislative Processes: A Short Excursion Through European Best Practices in Cooperation Between the Government and Civil Society in Legislative Processes*, published by the Government Office for Collaboration with CSOs, Croatia (2008).

¹¹ Zlata Ploštajner & Ivona Mendeš, *Citizens Participation in How to Improve Development on Local Level Handbook with Best Practice Examples from South-East Europe* 97 (2004).



to be “active” or “open” citizens.¹² According to Dutu and Diaconu “open citizens” are those who are informed and consulted, and who are willing to be informed about the main activities and projects developed by public institutions. “Open citizens” have the highest expectations regarding increased transparency through an active information process.

The results are presented in tables, diagrams and pie charts and the overall findings show that the majority of active local citizens are aware of the legislative initiative process and know how to participate in it. At the same time, most respondents had no prior experience with legislative initiatives and found difficulties in both writing a bill and establishing its financial and economic justification.

The first finding can be formulated on the reluctance of local residents to participate in opportunities. Local societies, particularly in small non-central cities, lack empowered citizens with the skills, knowledge and willingness to participate in the initiative process. The results also show a demand for relevant services and assistance for citizens. Another finding is that the initiative process can be inefficient at times, largely because municipal authorities, non-governmental organizations and other stakeholders are not sufficiently supportive and do not allocate adequate resources (financial and human) in the process nor are limitations and procedures clearly articulated. If the initiative process is well planned with clear objectives, requirements and guidelines more citizens may be willing to participate. The most effective measures to support initiatives are seminars, professional training and round table workshops. The modernization of local initiatives, which is done through the use of e-forms, was another finding of the research. Respondents demonstrated an ability to use electronic options which will help facilitate their participation in the initiative process. Electronic legislative initiatives have the potential to become an effective tool for improving citizens’ public participation in the local legislative process.

1. Citizen Participation in the Local Law-Making Process

In general, citizen participation plays an important role in participatory democracy and performs meaningful functions in shaping and implementing public policies.¹³ The legislative process is one of the basic public functions. In the late nineteenth century, American constitutionalists advocated for direct democracy as a means of improving civic society. The central idea was that holding plebiscites on policy issues would encourage citizens to become more politically engaged, thereby mitigating the declining state of civic affairs and public discourse.¹⁴ Nathan Cree argued in

¹² Amalia Duțu & Mihaela Diaconu, *Community Participation for an Open Public Administration: Empirical Measurements and Conceptual Framework Design*, 4(1) Cogent Bus. & Mgmt. 1287980 (2017).

¹³ Golubović, *supra* note 10.

¹⁴ Daniel A. Smith & Caroline J. Tolbert, *Educated by Initiative: The Effects of Direct Democracy on Citizens and Political Organizations in the American States* (2004).



1892 that direct democracy would cause voters to consider the substance of policy dilemmas rather than viewing policy proposals as partisan appeals. As a result, citizens would be more informed and the influence of parties over politics would be weakened.¹⁵

International documents have been emphasizing the need for public involvement in decision-making for more than thirty years¹⁶ (e.g. the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;¹⁷ the Resolution on Equal Political Participation from 2013;¹⁸ the U.N. HRC Resolution on Equal Participation in Political and Public Affairs¹⁹). The International Covenant on Civil and Political Rights, for example, in its article 25 states that everyone shall have the right and the opportunity, without any of the distinctions or unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives.²⁰

National governments implement the international rules on direct public participation at the country level through two basic forms – referenda (also known as plebiscites; referendums) and initiatives. The referendum allows the people to determine their own lives directly, and it has worked well in many countries.²¹ The initiative allows the people to initiate a proposal, a measure or a local law directly and submit it, in the form of a bill, to a public vote. Around the world, the initiative is less frequently used than the referendum is. That said, the people in approximately half of the U.S. states have the right to initiate legislation directly. In Russia, in all regions (there are eighty-five federative regions in the country), municipalities implement federal requirements on direct democracy and enact initiative and referendum laws. Through citizens' initiatives and referendums, voters

¹⁵ Nathan Cree, *Direct Legislation by the People* 16 (1892).

¹⁶ Goran Forbici et al., *Civil Participation in the Decision-Making Process: Handbook*, Council of Europe (2018) (May 6, 2021), available at <https://rm.coe.int/azerbaijan-project-handbook-civil-participation-eng/16808de2cc>.

¹⁷ U.N. General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution, 8 March 1999, A/RES/53/144 (May 6, 2021), available at <https://undocs.org/A/RES/53/144>.

¹⁸ U.N. Human Rights Council, Equal Political Participation: resolution, 8 October 2013, A/HRC/RES/24/8 (May 6, 2021), available at <https://undocs.org/A/HRC/RES/24/8>.

¹⁹ U.N. Human Rights Council, Equal Participation in Political and Public Affairs: resolution, 5 October 2018, A/HRC/RES/39/11 (May 6, 2021), available at <https://undocs.org/A/HRC/RES/39/11>.

²⁰ U.N. General Assembly, International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49 (May 6, 2021), available at <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>.

²¹ Karl T. Kurtz, *Legislatures and Citizens: Public Participation and Confidence in the Legislature*, National Conference of State Legislatures (December 1997), at 13 (May 6, 2021), available at https://www.ncsl.org/documents/public/trust/LegCitizens_PublicParticipation_Kurtz2.pdf.



may propose laws and constitutional amendments and reject legislation passed by their elected representatives. As with most institutions of government, this form of direct democracy has evolved and is today a creature of its political environment.

The citizens' initiative process can be so powerful that it has been called the fourth branch of government at the local level. The goal of initiative and referendum law-making is to interject a more directly democratic element into the development of society. In many countries, municipal governments involve citizens in the law-making process, which allows for direct communication with citizens, along with the creation of a mechanism by which citizens of a local community can express their preferences directly and decisively.²² Though the initiative is often regarded as a means of ensuring that the majority of the citizens in a community participate in local affairs, there are some criticisms of the initiative, which are based on the concern that this form of participation can result in a long and complex process which citizens do not understand and frequently try to avoid.²³

Local initiatives are not very well reviewed in the academic literature. Some studies in the United States focus on law-making initiatives, such as (1) legislation campaigns that use professional circulators;²⁴ (2) changing attitudes towards minorities targeted by initiatives;²⁵ and (3) the influence of elite endorsements.²⁶ According to J. Zimmerman, a citizen initiative allows people to submit proposals for referendums if they are supported by a minimum number of signatures of registered voters. Zimmerman determines three types of initiatives: direct, indirect and advisory. Local governments usually employ the direct initiative method.²⁷

The effectiveness of citizen participation may differ across communities. In different countries and municipalities, and even within the same country there is a wide range of practices for direct participation. Some citizens exhibit a high level of participation, indicating that they are ready to be actively and effectively involved in the decision-making process. Activists with a high potential for participation are referred to as "open citizens."²⁸ At the same time, in any community some citizens criticize public institutions and are not willing to participate. Many studies show that

²² Ronald J. Allen, *The National Initiative Proposal: A Preliminary Analysis*, 58(4) Neb. L. Rev. 965, 1001–07 (1979).

²³ Kurtz, *supra* note 21, at 14.

²⁴ David McCuan et al., *California's Political Warriors: Campaign Professionals and the Initiative Process in Citizen as Legislators: Direct Democracy in the United States* 55 (Shaun Bowler et al. eds., 1998).

²⁵ James Wenzel et al., *Direct Democracy and Minorities: Changing Attitudes about Minorities Targeted by Initiatives in Citizen as Legislators*, *supra* note 24, at 228.

²⁶ Jeffrey A. Karp, *The Influence of Elite Endorsements in Initiative Campaigns in Citizen as Legislators*, *supra* note 24, at 149.

²⁷ Joseph F. Zimmerman, *The Initiative: Citizen Lawmaking* 1–23 (2nd ed. 2014).

²⁸ Duțu & Diaconu 2017.



there are 'silent citizens' in every community. Typically, these citizens have a moderate level of participation potential. The reasons for this group's silence are linked to a high level of trust in public institutions and a high level of satisfaction with their activities.²⁹ A different approach is used to describe citizen participation levels in the handbook of the Organisation for Economic Cooperation and Development (OECD) "Citizens as Partners: OECD Guide to Information, Consultation and Public Participation in Policy-Making." It defines three levels of cooperation between citizens and public bodies: information, consultation and active participation. The studies mentioned earlier are concerned with issues of citizen participation in policy, decision-making and budgeting processes.

As in many other countries, at the local level in Russia, various forms of citizen participation exist, including voting, referendums, municipal or community assemblies, public presentations and discussions. These forms of participation could be referred to as traditional methods.³⁰ In a globalizing and modernizing society new forms of participation emerge, while some traditional forms gain strength. These new forms of participation advocate for more opportunities for local citizens to express their interests and opinions. Typically, local governments in Russia provide public access to relevant information through official newspapers and government websites. The feedback from citizens is also an important tool of joint decision-making which governments facilitate by providing prior, definite and precise information about relevant issues. Citizens can provide feedback on draft bills that are circulated for discussion and consultation before being formally introduced to the local parliament. Mandatory public hearings on draft bills are often stipulated in municipal charters. A higher degree of participation shapes public policies through citizens' membership in working groups commissioned in local parliaments for the legislative process or citizens' initiatives. In some countries, such as the United States and European Union Member States, the citizens' initiative is a power reserved to the people as a check on a representative democracy.³¹

2. Background of the Local Legislative Process in Russia

The relevant Russian literature tends to specify the stages and procedures of the local legislative process initiated by citizens. The main distinguishing feature of local law-making is a combination of direct and representative models based on the principle of local self-government. Such a combination implies a high level of collaboration between local communities and the authorities, and it serves as the

²⁹ Duțu & Diaconu 2017.

³⁰ Ploštajner & Mendeš 2004.

³¹ William Barnes & Bonnie Mann, *Making Local Democracy Work: Municipal Officials' Views About Public Engagement* (National League of Cities, Washington 2010) (May 6, 2021), available at <https://publicpolicy.pepperdine.edu/davenport-institute/content/researchreportmakinglocaldemocracywork.pdf>.



main function of the local law-making process. The local legislative process is also distinguished by close ties to the informal sources of law, customs and traditions of the local community.³² According to some studies, the legal nature of municipal acts is defined as a detailed elaboration of adopting a thorough verification of citizens' signatures and an expert evaluation of a draft. This indicates a level of conservatism among local governments in the legislative process.³³ A number of researchers point out difficulties in forming the initiative group and establishing its legal status. The enforcement of the right to law-making is a complex legal mechanism that is generally regulated by legislation at the federal level and then set down in local legal acts. In fact, several means of exercising the same right exist in Russian municipal legal acts, which are sometimes not associated with federal legislation.³⁴ The opinions of Russian legal scholars confirm that federal rules on local legislative initiatives are almost non-functional and declarative. On the other hand, the opinion among practitioners is that the legal situation will not change anytime soon, as no amendments to municipal acts have been proposed within the last ten years.

Only at the end of the twentieth century was a legally framed procedure for citizen law-making established in Russia. The earlier legislation, namely the National Law "On the General Principles of Local Government and Local Economy in the USSR," made no mention of citizen participation in the law-making process.³⁵ In 1993, the Constitution of the Russian Federation listed local government and the local legislative process as the basic principles of the state. The Russian Constitutional Court determined that local government is one of the foundations of the constitutional system necessary for exercising citizens' powers and right to territorial self-governance. This ensures citizen participation in local affairs.³⁶ Later, in the 1990s and early 2000s, citizen participation


³² Джагарян А.А. Муниципальное правотворчество: природа, специфика, эффективность // Муниципальная служба: правовые вопросы. 2011. № 2. С. 6–9 [Armen A. Dzhagarian, *Municipal Law-Making: Nature, Specificity, Efficiency*, 2 Municipal Service: Legal Issues 6 (2011)].

³³ Галоян А.Р. Механизм публичного предоставления правотворческих инициатив граждан на муниципальном уровне // Конституционное и муниципальное право. 2017. № 9. С. 49–52 [Arpenik R. Galoyan, *Mechanism for the Public Provision of Law-Making Initiatives of Citizens at the Municipal Level*, 9 Constitutional and Municipal Law 49 (2017)].

³⁴ Быкова А.Г. Порядок формирования и регистрации инициативной группы граждан по реализации правотворческой инициативы граждан // Государственная власть и местное самоуправление. 2017. № 7. С. 33–37 [Anastasia G. Bykova, *Procedure of Establishment and Registration of Initiative Group of Citizens to Implement Law-Making Initiatives of Citizens*, 7 Government and Local Government 33 (2017)].

³⁵ Закон СССР от 9 апреля 1990 г. № 1417-1 «Об общих началах местного самоуправления и местного хозяйства в СССР» // Ведомости СНД и ВС СССР. 1990. № 16. Ст. 267 [Law of the Union of Soviet Socialist Republics No. 1417-1 of 9 April 1990. On the General Principles of Local Government and Local Economy in the USSR, Bulletin of the Congress of People's Deputies of the USSR and the Supreme Soviet of the USSR, 1990, No. 16, Art. 267].

³⁶ Постановление Конституционного Суда Российской Федерации от 2 апреля 2002 г. № 7-П // Собрание законодательства РФ. 2002. № 14. Ст. 1374 [Statment of the Constitutional Court of the Russian Federation of 2 April 2002 No. 7-P, Legislation Bulletin of the Russian Federation, 2002, No. 14, Art. 1374].



in the legislative process became a part of the Russian legal system. Currently, the Federal Law “On the General Principles of Organizing Legislative (Representative) and Executive Bodies in the Regions of the Russian Federation” regulates the initiative process and provides citizens the opportunity to create local laws.³⁷ The Federal Constitutional Law “On the Referendum in the Russian Federation” guarantees the right of citizens to initiate and submit draft bills for referendums.³⁸

The Federal Law “On the General Principles of the Organization of Local Government in the Russian Federation” enacted in 1995 became the primary legal act regulating local initiatives.³⁹ This law outlined the crucial role of municipal authorities in implementing citizens’ right to initiative and gave municipalities broad powers to regulate the local initiative process. Russian municipalities used these opportunities to make the initiative process more explicit and tailored to local needs and specifics. The city of Tambov, for example, established that citizens could engage in the initiatives process by forming an initiative group of at least two people who could submit a draft bill and collect signatures to support it. The number of signatures was not explicitly determined; however, citizens were required to publish a draft bill in the media before collecting signatures. The local laws of Volgograd and Tyumen stated that citizens could engage in the initiative process by forming an initiative group of at least five people, applying to the local authority for registration of the initiative, submitting a draft bill, and collecting signatures in support of the bill from at least 1% of the city’s population. In the city of Nizhny Novgorod, the citizens were required to submit not only a draft bill but also an explanatory note. They did not need to collect signatures or create an initiative group. The number of people initiating the law-making process was not limited. Even a single person could submit a draft bill for consideration. Following the passage of the 2003 Federal Law No. 131-FZ establishing the fundamental principles for organizing local self-government and new regulations for citizen-led lawmaking initiatives several local restrictions on initiatives were lifted.

Table 1 shows some examples of local legal requirements for citizens’ initiatives from 1995 to 2002.

³⁷ Федеральный закон от 6 октября 1999 г. № 184-ФЗ «Об общих принципах организации законодательных (представительных) и исполнительных органов государственной власти субъектов Российской Федерации» // Собрание законодательства РФ. 1999. № 42. Ст. 5005 [Federal Law No. 184-FZ of 6 October 1999. On the General Principles of Organizing Legislative (Representative) and Executive Bodies in the Regions of the Russian Federation, Legislation Bulletin of the Russian Federation, 1999, No. 42, Art. 5005].

³⁸ Федеральный конституционный закон от 28 июня 2004 г. № 5-ФКЗ «О референдуме Российской Федерации» // Собрание законодательства РФ. 2004. № 27. Ст. 2710 [Federal Constitutional Law No. 5-FKZ of 28 June 2004. On the Referendum in the Russian Federation, Legislation Bulletin of the Russian Federation, 2004, No. 27, Art. 2710].

³⁹ Федеральный закон от 28 августа 1995 г. № 154-ФЗ «Об общих принципах организации местного самоуправления в Российской Федерации» // Собрание законодательства РФ. 1995. № 35. Ст. 3506 [Federal Law No. 154-FZ of 28 August 1995. On the General Principles of the Organization of Local Government in the Russian Federation, Legislation Bulletin of the Russian Federation, 1995, No. 35, Art. 3506], Art. 25.



Table 1. Examples of local legal rules on law-making initiatives from 1995 to 2002 (“+” denotes the presence of local rule of law, “-” denotes the absence of local rule of law)

Municipalities					
Requirements set down in federal legislation	Tyumen	Tambov	Volgograd	Nizhny Novgorod	Serpukhovo (Moscow District)
Initiative group, number of participants	+	+	+	-	+
Submitting a draft bill	+	+	+	+	+
Explanatory note	-	-	-	+	+
Financial and economic justification of a bill	+	-	-	-	+
Supporting signatures, number of collected signatures	+	+	+	-	+
Publishing a bill	-	+	-	-	-

The local legislative process is currently framed at the federal level by the Federal Law “On the General Principles of Organizing Local Self-Government in the Russian Federation,”⁴⁰ which was enacted in 2003. This law granted citizens the right to initiate a local legal act, systematized the procedure of the citizens’ initiative, introduced new norms and set certain requirements:

- only an initiative group of citizens can submit a draft bill;
- the number of citizens in the initiative group is limited to not more than 3% of the municipality’s population;
- a draft bill is considered by a relevant local authority;
- the initiative group has an opportunity to express citizens’ opinions and expectations concerning relevant issues during the consideration procedure;
- and
- the results of the consideration are provided to the initiative group.

⁴⁰ Федеральный закон от 6 октября 2003 г. № 131-ФЗ «Об общих принципах организации местного самоуправления в Российской Федерации» // Собрание законодательства РФ. 2003. № 40. Ст. 3822 [Federal Law No. 131-FZ of 6 October 2003. On the General Principles of Organizing Local Self-Government in the Russian Federation, Legislation Bulletin of the Russian Federation, 2003, No. 40, Art. 3822].

The law established a multi-staged legislative process with various forms of citizen participation, followed by municipal action.⁴¹ To reflect the purpose of the research conducted, the local legislative process will be categorized by dividing it into five stages based on different forms of citizen participation. Table 2 illustrates the unique characteristics of each stage.

Table 2. Stages of the local legislative process

Stage	Forms of citizen participation	Action of municipal authorities
Submission of a draft bill	Creating an initiative group, legal drafting and collecting signatures to support the bill	Accepting or declining the draft bill by the municipal government working group after formal expertise is heard from
Presentation of a draft bill to the municipal authorities	The initiative group presents its draft, makes comments and proposals on the official website of the local government	Legal expertise on draft bill provided by municipal authorities. Public discussion is organized via a website
Consideration of a draft bill	The initiative group discusses the draft bill, publicly expresses opinions on the draft bill, takes part in open discussions with the local government, expresses opinions	Adoption or rejection of the municipal legal act based on the results of the consideration
Publication and enactment	Citizens have the opportunity to get informed about the contents of any legal act	The legal act is published in official sources
Compliance and enforcement of the legal act	Citizens can initiate revision or amendments to the act	Implementation procedures The act is reviewed or amended

Source: Russian legislation content analysis

⁴¹ Алексеев С.С. Право: азбука – теория – философия. Опыт комплексного исследования [Sergei S. Alekseev, *Law: ABC – Theory – Philosophy: An Experience of Comprehensive Research*] 89–90 (Moscow, 1999); Трубецкой Е.Н. Энциклопедия права [Evgenii N. Trubetskoi, *Encyclopedia of Law*] 177 (Saint Petersburg, 1999); Комаров С.А. Общая теория государства и права: учебник [Sergei A. Komarov, *The General Theory of State and Law: Textbook*] 265–278 (Saint Petersburg, 2004); Dzhangarian 2011.



The first stage of citizen participation in the legislative process is the drafting of a bill, which is typically done by an initiative group that meets the mandatory requirements for submitting a draft bill. A draft bill is submitted with an explanatory note justifying its necessity and its financial and economic resources.

At the second stage, the initiative group collects signatures in support of the draft bill. The collection of signatures is one of the most time-consuming and expensive aspects of the citizen participation process. The initiator of the bill should be motivated to advocate its social or public importance.

The third stage of the law-making process is the use of legal expertise given by local bodies. The initiative group now provides public or professional opinion on the draft. Access to information and widespread public participation at this stage are fundamental for contributing to the sustainable development and governance of a local territory. The draft bill may be accepted or rejected as a result of the expertise given.

The next stage of consideration is the discussion of the draft bill by a decision-making public authority. At this stage, citizens can express their opinions on the draft, as well as make comments and suggestions on the text of the draft by sending e-mails to the relevant public authority.

The publication stage refers to the duty of local governments to make legal acts public and accessible to citizens. The local government in Tyumen, for example, has an official electronic media called "Tyumen city official documents." The website contains links to all officially adopted legal acts. Local self-government can use electronic media to share legal acts with a larger number of citizens while also saving funds from the municipal budget.

The law enforcement and controlling stage of the legislative process informs citizens about decision-making steps, challenges and solutions. Citizens understand how the act is implemented now that it has been approved, adopted and published, and they have the option to appeal or make amendment proposals. This stage includes the mechanisms for implementing the act, an analysis of appeals or citizens' suggestions, methods for improving the act and a timeframe for doing so. Control by citizens, in particular, has emerged as the primary tool of effective enforcement, ensuring the compilation, analysis and generalization of citizens' initiatives as well as becoming a systematic practice of local authorities.

3. Citizen Initiatives in Tyumen City

The federal rules and requirements are incorporated and concretized at the municipal level in the Tyumen City Duma Decision "Regulations of Legislative Initiative of Citizens."⁴² This decision encompasses the rules governing the initiative

⁴² Решение Тюменской городской думы от 25 ноября 2005 г. № 274 «О Положении о правотворческой инициативе граждан» // Тюменский курьер. 2005. 12 дек. № 175 [Tyumen City Duma Decision No. 274 of 25 November 2005. Regulations of Legislative Initiative of Citizen, Tyumen Courier, 15 December 2005, No. 175].



group, its size and powers, the bill submission procedure, supplementary materials and documentation and the bill consideration procedure. Each requirement is further defined by a set of local government decisions.⁴³ Citizens who most frequently put forward laws through the initiative process are the leaders of territorial self-governments, of which fifty-two are registered in Tyumen,⁴⁴ and no fewer than forty-eight of their leaders are active in the territory where they reside.⁴⁵ Leaders of territorial self-government are volunteers who are eligible to participate in the legislative process and have the right to submit a draft bill. They usually organize social activities in the territory where they live such as voluntary celebrations, community work and neighborly assistance events. These people are actively involved in shaping public policies, and some of them have relevant bill preparation experience.

For the purpose of the research, the leaders of the territorial self-government in Tyumen were selected as survey participants. The aim of the survey questionnaire was to find out about the respondents' experiences with the local legislative process and initiatives, as well as their views on citizen participation. The survey was designed to reflect the requirements set forth in federal and regional legislation, as well as the major stages of the legislative process at the local level. The goals of the survey were to discover whether (1) opportunities for citizen participation are ensured by the local authorities; (2) proper legal frameworks and guidelines are developed; (3) effective communication and interactive ties exist between municipal authorities and public activists; (4) the expectations and interests that lie in the citizens' backgrounds and empower them to put forward laws through the initiative process; and (5) the challenges and barriers that make citizens' initiatives complicated or impossible. The questionnaire included a set of fifteen questions.

The questionnaire included one question on terminology aimed at finding out whether the respondents were familiar with the term "citizens' law-making initiative." Another question was designed to identify difficulties in legislative participation when writing a draft bill as well as financial and economic justifications. There were two questions about the legal drafting process to determine the level of interest of citizens receiving professional assistance and government support to participate in the law-making process. A question about participants' readiness to use electronic devices was designed to assess their ability to apply digital skills to initiatives.

Because not all the participants could complete the online questionnaire for various reasons, they were requested to complete a paper-and-pencil questionnaire. The respondents took twenty to thirty minutes to answer the questions. The questionnaire

⁴³ Tyumen City Duma Decision No. 274, *supra* note 42, paras. 2.1–3.2.

⁴⁴ According to the information of the Tyumen City Administration (No. 03-59-257/7-5 dated 29 January 2018).

⁴⁵ In Russia, territorial self-government is a form of citizen participation in local government established by the Federal Law "On the General Principles of the Organization of Local Self-Government in the Russian Federation."

included both closed and open questions on such matters as the term “citizens’ legislative initiative” and personal experience with the initiative process (closed questions), and the difficulties in writing a draft bill (an open question), and about support measures from local governments (again, an open question). The anonymity of respondents was ensured throughout the study. Participation in the survey was completely voluntary, and all participants were informed about the purpose of the survey.

4. Results

The questionnaire was used to explore the involvement of active citizens in the local legislative process in a particular city of the Russian Federation. Figure 1 shows that participants know or are aware of the term “citizens’ legislative initiative.” The results reveal that very few respondents are not aware of the right to legislative initiatives.

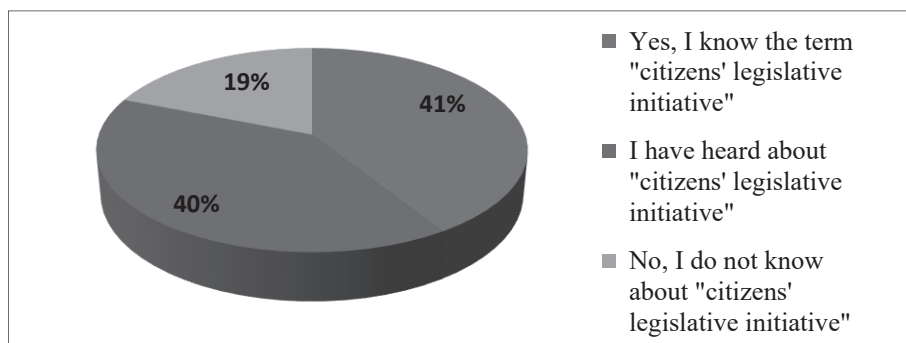


Fig. 1. Knowing the term “citizens’ legislative initiative,” %

Source: the authors’ research

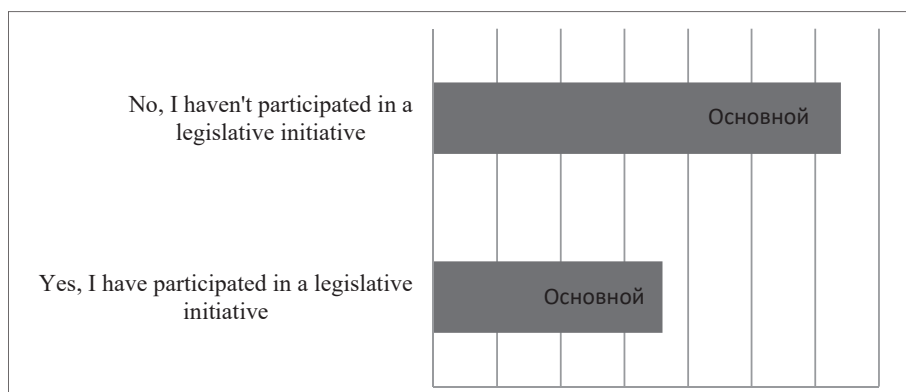


Fig. 2. Experience of legislative initiatives, %

Source: the authors’ research

Figures 1 and 2 illustrate that the majority of the respondents know about their right to engage in the initiative process but have not had any experience with legislative initiatives. The finding is that citizens have the legal capacity to initiate a law, but most citizens remain reluctant to take advantage of this opportunity.

Our next goal was to identify the obstacles that prevent citizens from initiating local laws: the participants were asked about the challenges of submitting bills. The first question concerned the creation of a legal draft (Figure 3). The second question concerned the legal act's financial and economic justification (Figure 4).

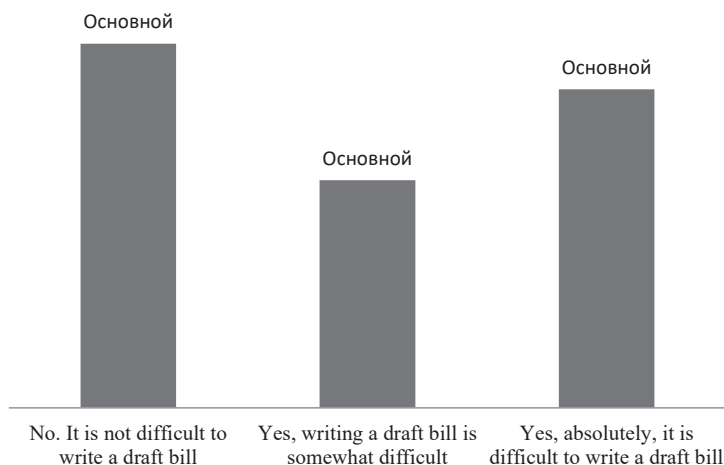


Fig. 3. Expertise in writing a draft bill, %

Source: the authors' research

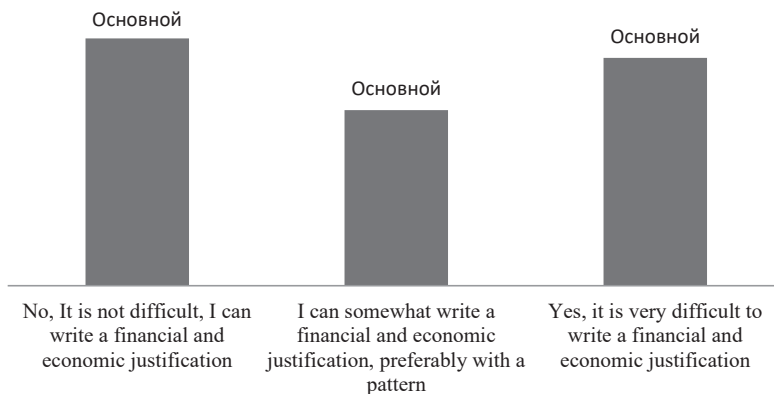


Fig. 4. Expertise in writing a financial and economic justification for a draft bill, %

Source: the authors' research

The results shown in Figures 3 and 4 identify that a high percentage of the respondents had difficulty both in writing the text of a bill and in making financial and economic justifications. The respondents indicated a willingness to prepare a draft bill and a financial and economic justification (40% and 38% respectively). The respondents who reported their experience of legislative initiatives (Figure 2) also indicated a willingness to prepare a draft bill and financial and economic justification.

Table 3 aims to demonstrate whether relevant assistance is provided to citizens in order for them to overcome difficulties with legislative initiatives. The responses were distributed as follows:

Table 3. Willingness to use professional services, %

Yes, I am ready to use professional legal assistance	14
Yes, I am ready to use professional finance assistance	6
Yes, I need professional legal and finance assistance	41
I will not use professional legal and finance assistance because they are charged	27
I do not need professional legal and finance assistance	12

Source: the authors' research

Table 3 also shows that most respondents indicated a need for professional assistance from lawyers or economists in preparing a draft. According to the findings, 27% of the respondents will not use this service because they have to pay. The vast majority of active citizens do not need any professional help to prepare a draft.

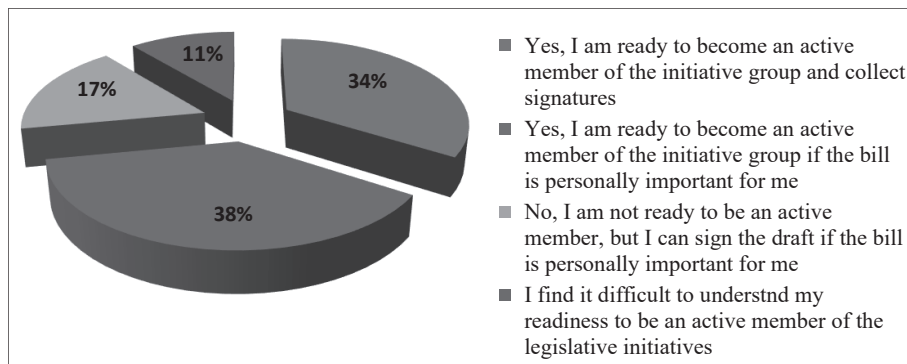


Fig. 5. Willingness to launch a legislative initiative, %

Source: the authors' research

The pie chart shows that only 11% of respondents feel ready to be actively involved in the legislative initiative process. Most respondents demonstrated a high potential and willingness to take part in legislative initiatives, particularly when a bill is relevant to their personal interests (Figure 5).

As seen in Figure 6, the majority of respondents believe that local government is required to assist and supervise citizens' initiatives (71%) or should contribute to them in some way (15%).

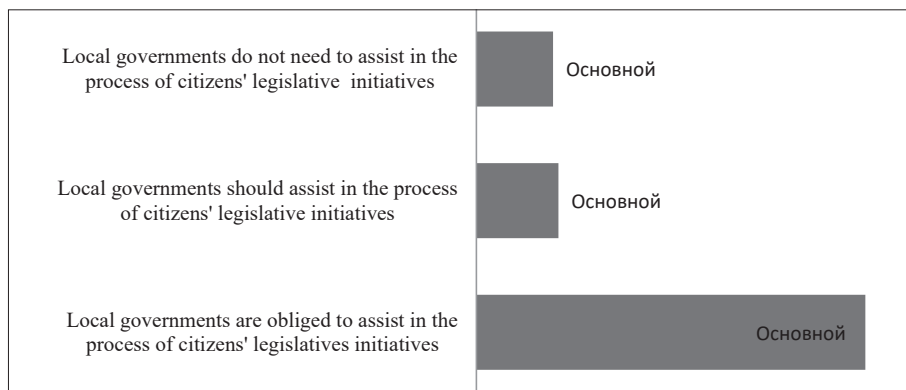


Fig. 6. Attitude towards local government's assistance in citizens' initiatives, %
Source: the authors' research

Figure 7 lists possible support measures for the local legislative process.

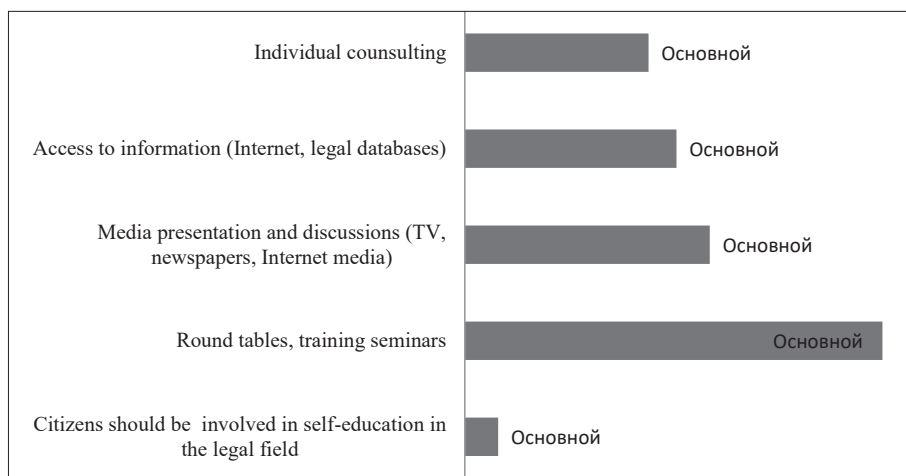


Fig. 7. Support measures for the local legislative process, %
Source: the authors' research

Figure 6 demonstrates the expectations of local citizens regarding local government support in the legislative initiative process. The answers provided by the respondents (Figure 7) indicate that the best measures to support initiatives are seminars and professional training, as well as round table workshops. Individual consultations, open access information, media presentations and discussions are equally sought. We conclude that citizens need to develop practical skills in legal writing and paper work, as well as knowledge of the law enforcement process. A few respondents (6%) mentioned that people should be involved in self-education in the field of law. Some answers suggested disseminating special brochures about the law-making process and providing Internet access and facilities.

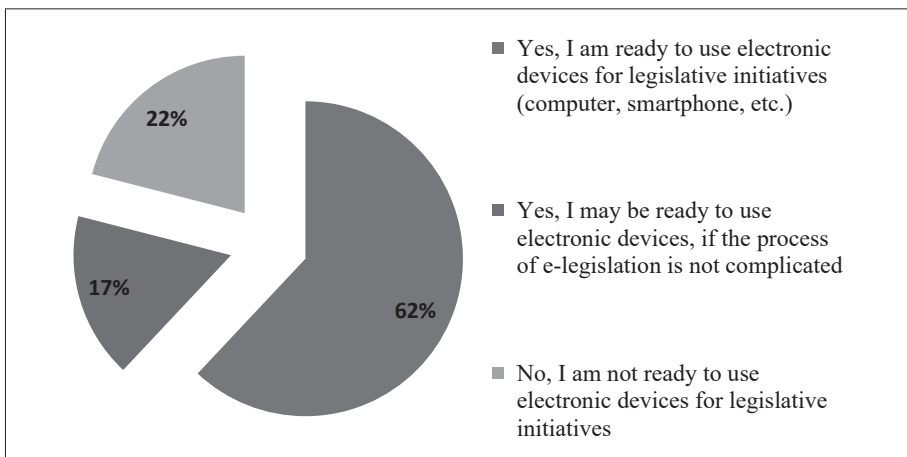


Fig. 8. Ability to use electronic forms of citizens' initiatives, %
Source: the authors' research

The pie chart shows that a high percentage of the respondents demonstrated their abilities to use electronic forms of participation which can enhance the possibilities of the citizens' electronic legislative process. At the same time, some citizens are simply not currently able to use e-legislative initiatives.

The research has clearly identified limitations in the legislative process. According to the findings, the majority of citizens expect local government to assist them with their initiatives. Even active citizens expect the local government to facilitate and supervise their activities in the legislative process. We identified that writing a proper bill raises a number of difficulties for citizens willing to participate in the legislative process, financial and economic justifications among others. Existing challenges discourage citizens from participation.



5. Discussion

The role of citizen participation in democracy is a central theme in contemporary democratic theory. Various approaches have emerged in recent decades emphasizing the role of citizen participation in public policy making. The main advantages of direct citizen participation are its influence on the decision-making process, the possibility of further deliberation and, thus, the legitimacy of the decision-making process.⁴⁶

Local citizens' initiatives are a form of participation which involves the submission of legal drafts on local issues. As a result, citizens' initiatives can propose the enactment or drafting of new local legislation, as well as the amendment or repeal of existing legislation at the local level. All models of citizen participation in the legislative process should, of course, be guaranteed by national legislation and further actualized in local acts. In this way, this right can be transformed from a declarative into an enforceable and effective right.⁴⁷

Many scholars argue that citizen involvement in the legislative process is still inadequate and inefficient. Citizens' political and legislative powers may be considered relatively weak in comparison to the capacity of public institutions in exercising their powers. Citizen participation in local (municipal) affairs tends to be low, especially in large municipalities. It is especially difficult to establish a regular and effective dialogue between citizens and the elected members of the municipal council in post-Soviet countries. Regular meetings of elected representatives and voters are not organized and take place largely before elections or the adoption of major decisions.⁴⁸ However, significant changes have been made in citizen participation in those countries over the last twenty-five years. Moreover, the level of participation according to the Arnstein's ladder has changed. The relationship between the government and citizens has evolved from the bottom rung of the ladder, manipulation, to the top rung, consultation.⁴⁹

Some studies have determined the challenges associated with citizens' participation in the law-making process. Local legislation does not expand opportunities for public participation or provide citizens with effective mechanisms for exercising their right of initiative.⁵⁰ The absence of a mechanism of judicial protection of professional representatives' collective rights and public interests according to the generally accepted international practices involving interested

⁴⁶ Michels 2012.

⁴⁷ Golubović, *supra* note 10, at 5.

⁴⁸ Juraj Nemec et al., *Local Government in Slovakia in Decentralization: Experiments and Reforms* (1998).

⁴⁹ Cristina Haruța & Bianca Radu, *Citizen Participation in the Decision Making Process at Local and County Levels in Romanian Public Institutions*, 31E Transylv. Rev. Adm. Sci. 76 (2010).

⁵⁰ Galoyan 2017; Bykova 2017.



persons whose rights have been violated (opt-in or opt-out) creates barriers to the development of representative actions in Russia.⁵¹

According to other researchers,⁵² local authorities also face challenges in the participation process. These challenges may include irrelevant comments, unreasonably high demands and expectations of citizens, demands or requests that lack common sense and unfeasible citizen actions. Even if the process is carried out in good faith, participants may behave incompetently, be motivated by personal interests or suffer from mob psychology.⁵³ If the authorities involved citizens in the decision-making process at an early stage, then perhaps they would be more easily accepted and implemented by citizens. Citizen participation must be ensured as early as possible in the decision-making and legislative processes.

If people are willing to responsibly exercise legislative power, they must be required to play by the legislative rules. Therefore, legislation initiated by citizens should be required to comply with legislative-style financial and procedural rules, such as the legislature's "fiscal note" process, and the policies promised in citizen initiatives should be funded within the language of the proposal.⁵⁴ By enforcing these rules, the initiative process will become more deliberative and the enactment of bills that are unrealistic, unaffordable or contradictory will be limited.⁵⁵

In Russia, citizen participation is not a clearly defined constitutional right, and policymakers at the national and municipal levels face the major task of filling in the constitutional gaps and developing mechanisms for citizen participation in legislative processes. The Federal Law "On the General Principles of the Organization of Local Government in the Russian Federation" sets certain rules for the initiative, for example:

- citizens submit a draft bill;
- the draft is to be considered openly at a public meeting organized by the local authorities;
- citizens are invited to public meetings; and
- results of the public discussions are officially published.

These federal requirements are implemented in different ways by different local governments. Some municipalities, for example the cities of Tyumen and Novosibirsk, have designated a specific number of group members. Other Russian municipalities

⁵¹ Dmitry Shandurski, *Representative Actions in Russia*, 6(1) Russian L.J. 100 (2018).

⁵² Radzik-Maruszak & Bátorová 2015, at 85–110, 106.

⁵³ Shkabatur 2011, at 1422.

⁵⁴ Jeremy R. Fischer, *Exercise the Power, Play by the Rules: Why Popular Exercise of Legislative Power in Maine Should be Constrained by Legislative Rules*, 61(2) Maine L. Rev. 503 (2009).

⁵⁵ *Id.*



have established the registration rules for initiative groups. This registration procedure necessitates the adoption of a legal act (in some municipalities of the Tyumen region, such as the city of Tyumen, the Uvat district and the city of Salekhard) or even a certificate of initiative group registration (the cities of Alopaevsk, Irbit and Revda of the Sverdlovsk region, the city of Chelyabinsk and the city of Yaroslavl). In many cases, the registration procedure appears to be unjustified. An initiative group should be registered with the municipal election commission only in the event of a municipal referendum. In other cases, registration of the initiative group and obtaining certification is a redundant stage.

One of the challenges of the initiative process is defining the federal legislation's requirements at the municipal level. The number of citizens in the initiative group, for example, is a problem. Some municipalities are unable to avoid duplication of federal rules, which require that the number of people in the initiative group cannot exceed 3% of the municipality's residents with voting rights. The municipalities of Amursky, Labytnangi, Nadym, Uglich and Kamensk-Uralsk are examples. According to Ank Michels, the type of policy issue should determine the form of citizen participation.⁵⁶ For the local initiative process, this means that its legal frameworks and requirements should reflect municipal specifics, population characteristics in quantitative and qualitative terms, such as the number of residents, the size and accessibility of the territory and other characteristics which may differ between local territories and make the initiative process diverse across Russia. For example, the size of municipalities in the Russian Federation varies. Therefore, the required number of citizens in the initiative group should be proportionate to the size of the population to justify the initiative procedure. It is difficult to gain support from 3% of the population in large cities. More than 1,165,000 residents with voting rights are registered in Novosibirsk⁵⁷ and, in this case, a draft bill must be supported by 34,964 people, which is a large number. Because there are 49,252 registered residents with voting rights in Khanty-Mansiysk,⁵⁸ a draft bill will be considered if it has 1,478 signatures in support. It may be a challenge to assemble an initiative group of 1,000 to 2,000 people, but, generally, it is doable, whereas collecting 30,000 supporting signatures seems impossible. As a result, the legislative initiative has become inaccessible in major cities. Organizing an initiative group of more than 1,000 people entails campaigning with certain financial costs. It may be feasible to involve political parties or non-governmental organizations in such activities. On the other hand, political parties are stakeholders able to submit draft bills through fractions of the representative body of the municipality, and they are often not interested in supporting initiative groups.

⁵⁶ Michels 2012.

⁵⁷ The dates are available on open source at http://izbirkom.novo-sibirsk.ru/number_of_izbirat/.

⁵⁸ The dates are available on open source at <http://www.hmao.izbirkom.ru/chi/chislennost-izbirateley-na-1-yanvarya-2018-goda/>.



The issue of equal representation is relevant not only to Russia but also to many other countries as well. In the United States, for example, signature thresholds are typically set as a percentage of the vote for governor in the preceding election, and they rise in proportion to the state's population. In most states, qualifying an initiative for the ballot requires a group of dedicated volunteers or paying the initiative industry to assist with the process.⁵⁹

The vastness of Russia's geography, with its dispersed population living in remote communities and hard-to-reach areas, is a unique feature. These factors discourage citizens from initiating local bills when they face difficulties in reaching municipal settlements and collecting signatures, and so also do transportation, accommodation and campaigning costs associated with the process. Nevertheless, some municipalities continue to use the rule of 3% supporting signatures, making the right to initiative implementation inefficient. To overcome this problem, the local legislatures should consider the local characteristics of each municipality, such as distances, accessibility and the number of residents.

Some local governments have already set limits on the number of initiative group members, ranging from 10 to 500. The cities of Tula, Murmansk, Barnaul, Novosibirsk and Kazan are only a few examples. Some local governments require a minimum of 1,000 members for an initiative group, as well as their signatures of support. Tyumen, Kuznetsk and Novoanninsky municipalities are three instances of this approach. It may be more practical to determine the size of the initiative group in numerical terms, with a maximum number of 500 residents.

Another issue in Russia is the quality of submitted drafts, which can only be improved with professional assistance and under the supervision of experts. The situation is similar in Europe, where citizens are unable to participate due to a lack of knowledge and research skills. According to James Organ:

The burden of discharging the requirements imposed by the European Commission's interpretation and application of the legal admissibility criteria therefore falls almost entirely on the initiative organisers. The Commission plays almost no proactive role in assisting organisers in the sometimes complex task of putting together a proposal that satisfies the admissibility test.⁶⁰

Lack of resources, difficulties in getting their proposal registered and collecting statements of support are among the problems mentioned by the researchers.⁶¹

⁵⁹ David B. Magleby, *Governing by Initiative: Let the Voter Decide? An Assessment of the Initiatives and Referendum Process*, 66(1) U. Colo. L. Rev. 13 (1995).

⁶⁰ James Organ, *Decommissioning Direct Democracy? A Critical Analysis of Commission Decision-Making on the Legal Admissibility of European Citizens Initiative Proposals*, 10(3) Eur. Const. L. Rev. 422, 435 (2014).

⁶¹ *Id.* at 437.



Several studies show that many people are not well informed enough to be actively involved in the local decision-making process. It is clear that most citizens need professional assistance with legal and economic issues, such as drafting and financial justification.⁶²

According to Shkabatur,

While American cities perform well on the consumerist axis, they fail to achieve participatory goals and generate a distorted picture of participatory democracy.⁶³

These problems are well known to public officials, who are therefore hesitant to provide participants with significant opportunities to affect political decision-making.

In the era of digitalization, the electronic means of citizen participation such as electronic initiatives, electronic signatures and electronic voting on the adoption of a legal act are becoming increasingly important in the digital age.

Many countries use a variety of electronic platforms to discuss government decisions. For example, in 2003, the Internet-based platform Valma was established in Tampere, Finland, to solicit feedback from citizens on policy proposals. The platform is operated by civil servants who upload policy proposals and allow citizens to voice their opinions in an online forum. Citizens' feedback is directly sent to local politicians (mayors, the heads and members of relevant committees) who work on the proposals further. Citizens can thus follow city management planning and development while also having an opportunity to express their opinions and provide their views on the policy.⁶⁴ In the United States, the Recovery.gov website recently provided fiscal transparency by allowing anyone to track spending on projects funded by the Stimulus bill and to report fraud or waste. Former President Barack Obama invited citizens to submit proposals via the Change.gov platform, and he received nearly 5 million votes on some of the ideas submitted. The "We the People" platform has fostered discussion of important issues, but some citizens have abused it. On 14 November 2012, for example, a Colorado man filed a petition for the "construction of a Death Star by 2016."⁶⁵

In Russia, similar platforms are used; for example, "Active citizen" in Moscow⁶⁶ or "I decide" in Tyumen city.⁶⁷ The platforms are designed to be a public opinion poll on

⁶² Mohammad Shahjahan Chowdhury & M. Aktaruzzaman, *Citizen Participation in Urban Local Government: A Case Study of Kanaighat Paurashava in Bangladesh*, 19 Commonw. J. Local Gov. 119 (2017).

⁶³ Shkabatur 2011, at 1433.

⁶⁴ Radzik-Maruszak & Bátorová 2015, at 85–110.

⁶⁵ K.K. Duvivier, *E-Legislating*, 92(9) Oregon L. Rev. 9, 38 (2013).

⁶⁶ The platform "Aktivniy grazhdanin" ("Active citizen") available for registered users on the site <https://ag.mos.ru/>.

⁶⁷ The platform "Ya rechay" ("I decide") available for registered users on the site <http://ir.tyumen-city.ru/>.



particular decisions. They provide questionnaires for citizens as well as suggest some coupons as a bonus for participation in the survey, which can be exchanged for small gifts such as theatre, cinema or excursion tickets. Local civil servants collect responses to these questionnaires, summarize the results and report to the heads of departments or to the mayor. The results are considered to be recommendations for the local government when a final decision is being made. Sometimes in the legislative process draft bills are published online on the municipal government's website; whereas there are no special electronic platforms for local legislative initiatives. Usually, the website systems are used simply for the purpose of collecting proposals and complaints from citizens. Some Russian researchers argue that it is

also necessary to create a universal state database for judges, prosecutors, investigators, among others, which would allow free cross-sectoral information exchange on the same subject. The new digital economy requires retraining of civil servants and state employees.⁶⁸

Conclusion

This discussion of citizens' participation opportunities and challenges is also consistent with our findings based on the survey analysis. Our first finding is that, despite government efforts to engage citizens in the legislative process, citizens' involvement in state and local affairs is relatively low. Our study shows that citizens have the capacity to participate and demonstrate their awareness and ability to participate in and proceed with the process throughout all its stages. Although legal frameworks are provided for all the stages of citizen participation in the legislative procedure, there are still challenges citizens are not able to overcome, such as collecting signatures, a lack of professional knowledge and expertise, difficulties in communication ties between local authorities and citizens and low digital literacy. This makes citizen participation in the local legislative process very difficult, and citizens need governmental supervision and professional assistance in order to participate more actively.

Our study shows that active citizens understand their legal capacity to participate in law-making, and that the majority of respondents are willing to prepare draft bills if they fall within their personal interests. At the same time, the study confirms that the mechanisms provided by the legislation are complex and set certain legal barriers. The framework created for citizens to exercise their right to initiative consists of federal rules and local acts that govern all of the stages and specifics of legislative initiatives while encouraging better implementation. Thus, we conclude that the local authorities in Tyumen provide adequate legal and administrative opportunities and create favorable conditions for citizens to be engaged in direct democracy.

⁶⁸ Oleg Stepanov & Denis Pechegin, *Legal View on the Introduction of New Technologies*, 6(3) Russian L.J. 149–71 (2018).



However, public authorities are not sufficiently transparent and accessible to their constituencies, and citizens seek additional assistance and support, especially at the stage of bill preparation and expertise.

In order to improve the local legislative process and to guarantee citizens' participation on a regular basis, local authorities should take certain measures. First, the number of citizens in the initiative group should be determined depending on municipal specifics and local characteristics, and government programs providing additional training and professional services needed in the legislative process should be developed. It seems important to raise the level of citizens' legal awareness and improve the legal culture of the population, which might be done through the development of law-making methodologies.

Second, providing citizens with online tools is of paramount importance to the legislative process. Around the world, parliaments, governments and civil societies are taking measures to make the legislative process more participatory. E-democracy, for example, and e-legislation may become key instruments in such measures. While a number of pilot projects on electronic voting and online discussions were introduced in Russia in the 1980s, very few of them are still in use in municipalities. With the availability of online tools, municipalities in Russia can assist local citizens with submitting a bill in a number of ways, including: helping to draft the legal and economic justification of the initiative, getting the required number of signatures of citizens, providing legal and financial support and ensuring the legality and obligation of the initiative that is to be considered. Today, all local initiatives can be implemented only by submitting a paper document with handwritten signatures. Furthermore, the technical requirements for such a platform should include access from any electronic device and an identification procedure in accordance with the existing legislation. Today in Russia, there is one officially recognized identification procedure – the Unified Identification and Authentication System, which allows citizens to receive state and municipal services through a single website.

The next step could be to use electronic platforms and other similar tools to file applications for legislative initiatives, collect signatures in electronic form, use crowd-sourcing technologies⁶⁹ and seek professional assistance in the legislative procedure.

Our overall conclusion is that local societies in Russia require new or more appropriate models of citizens' participation, and it is crucial to find improved approaches to legislative initiatives as a means of involving citizens in the policy-making process.

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⁶⁹ Ksenia Ivanova, *Electronic Legislative Initiative as a Tool to Improve Citizens' Public Activity in Cyberspace: Common Issues in the BRICS Countries, Europe and the Russian Federation*, 6(1) BRICS L.J. 102 (2019).



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